

United States District Court
Southern District of New York

United States of America,

-against-

ORDER

21 Cr. 782 (KMK)

Jonez Merritt.

Defendant.

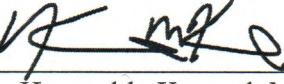
Upon motion by Defendant asking that this Court order or recommend that the Bureau of Prisons (BOP) run Mr. Merritt's federal sentence concurrent with a related sentence that Mr. Merritt received in state court, the Court hereby makes the following supplemental sentencing statement. At Mr. Merritt's sentencing on June 2, 2022, I was unaware that Mr. Merritt was in federal custody on a writ from New York State. The Court, therefore, did not know that the BOP would not credit Mr. Merritt for the time he had served in pre-trial detention following his arrest on January 28, 2021, and the Court did not know that the BOP would run Mr. Merritt's federal sentence consecutive to the state sentence that he ultimately received for a related state matter. Had the Court known the circumstances surrounding Mr. Merritt's custody, the Court would have ordered that Mr. Merritt's federal sentence run concurrent with his state sentence. For this reason, the Court supports retroactive designation so that Mr. Merritt is credited for any and all time that he served, whether at the Westchester County Jail or any other state or local institution, following his arrest by state authorities on January 28, 2021. It is the Court's hope and understanding that, if the BOP chooses to adopt my recommendation, this would effectively result in the BOP running Mr. Merritt's 60-month federal sentence (case number 21 Cr 782) concurrent with the state sentence that Mr. Merritt received for the parole violation that is

referenced in Paragraph 34 of the PSR (State Docket Number B-813-1). The Court makes this recommendation to the BOP based on the record in this case, and for the reasons cited in defense counsel's April 12, 2024 submission to this Court.

SO ORDERED.

Dated: 5/10/24

White Plains, New York



The Honorable Kenneth M. Karas
United States District Judge